

*USA KD*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

03 APR -4 PM 12:05

UNITED STATES OF AMERICA,

Plaintiff,

v.

Agustin RAMIREZ-Uribe,

Defendant

Magistrate Docket No.

'08 MJ 1039

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **April 2, 2008** within the Southern District of California, defendant, **Agustin RAMIREZ-Uribe**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF APRIL 2008

Anthony J. Battaglia

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Agustin RAMIREZ-Urbe

USA KD

PROBABLE CAUSE STATEMENT

On April 2, 2008, Border Patrol Agent N. Serna was performing assigned linewatch duties in the Imperial Beach Border Patrol Station's area of operations. At approximately 10:20 pm, Agent Serna responded to a sensor activation. The station inside Scope operator observed four individuals concealing themselves in the brush in the area. The scope operator maintained surveillance until Agent Serna arrived. This area is approximately 1 mile west of the San Ysidro Port of Entry and approximately 150 yards north of the United States/Mexico International Boundary.

Agent Serna approached the four subjects, identified himself as a Border Patrol Agent, and questioned them as to their citizenship. The subject later identified as the defendant, **Agustin RAMIREZ-Urbe**, admitted to being a citizen and national of Mexico without the proper immigration documents to be or remain in the United States legally. Agent Serna arrested and transported the four subjects to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 22, 2001** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.